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Paper No. 4

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OFFICE OF PETITIONS

In re Application of
McLellan, et al.
Application No. 10/062,650
Filed: January 31, 2002
Attorney Docket No.: 36080.01101
For: ENCAPSULATED INTEGRATED
CIRCUIT PACKAGE AND METHOD OF
MANUFACTURING AN INTEGRATED CIRCUIT:
PACKAGE
: :
: : ON PETITION
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This is a decision on the petition filed April 29, 2002 in response to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed April 12, 2002.

The Notice stated that the application had been accorded a filing date of January 31, 2002, but that page 1 and page 2 of the specification appeared to have been omitted from the application. The Notice set forth a two (2) month non-extendable period of time for applicant to either: (1) promptly establish prior receipt in the PTO of the missing item (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item and accept the date of such submission as the application filing date. An applicant asserting that the missing item was in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

Petitioner argues that the application as filed included page 1 and page 2 as indicated on the return receipt postcard date stamped by the Office acknowledging receipt of 9 pages of specification. Petitioner has included a copy of the postcard acknowledging receipt of the missing pages along with a copy of the missing pages.


The original page 1 and page 2 submitted with the application papers have not been located. However, in view of the evidence presented, the petition to include page 1 and page 2 in the application is **GRANTED**.

No fee is due in connection with this matter. The previously submitted \$130.00 petition fee has been refunded to deposit account No. 13-3250 as authorized in the instant petition.

Since the original page 1 and page 2 cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

This application will be forwarded to Office of Initial Patent Examination for further processing with a filing date of January 31, 2002.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


Beverly M. Flanagan
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy